

Civil Procedure Act 2005

Pursuant to section 13 of the *Civil Procedure Act 2005*, I direct that a registrar of the Court (including a person acting as the registrar or as a deputy to the registrar) may exercise the functions of the Court as stated in Parts 1 to 3 of the schedule to this direction.

Dated: 9 April 2009

J J Spigelman AC
Chief Justice of New South Wales

Schedule.

Part 1

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Civil Procedure Act 2005

Column 1	Column 2	Column 3
Section	Description	Restriction
Section 14	Dispense with rules in particular cases	Restricted to those matters which a registrar may deal with
Section 26(1)	Referral to mediation	By consent of the parties or expressly unopposed
Section 38(1)	Referral to arbitration	
Section 43	Order for rehearing of arbitration	
Section 45	Discontinuance of rehearing	
Section 61(1), (2), and (3)(f) and (g)	Directions as to practice and procedure	
Section 64	Amendment of documents	
Section 65	Amendment of originating process after expiration of limitations period	
Section 66	Adjournment of proceedings	
Section 67	Stay of proceedings	Restricted to those matters which a registrar may deal with

Section 68	Attendance and production	
Section 86	Orders and terms	Restricted to those matters which a registrar may deal with
Section 93 (2)	Judgment for Detention of Goods	Restricted to default judgments
Section 98	Costs	Restricted to those matters which a registrar may deal with
Section 100	Interest up to judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 101	Interest after judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 107	Deferral of payments and payments by instalments	
Section 108	Order for examination of judgment debtor	
Section 134	Extension of period of enforcement of stale judgment	
Section 135(2)(b)	Prohibit Sheriff from acting on writ of execution	Restricted to a writ of execution issued pursuant to a judgment given by default
Section 140	Transfer of proceedings from the District Court or a Local Court	Only if by consent or expressly unopposed
Section 146	Transfer of proceedings to the District Court or a Local Court	On if by consent or expressly unopposed

Uniform Civil Procedure Rules 2005

Column 1	Column 2	Column 3
Section	Description	Restriction
Rule 1.12	Extension and abridgment of time	Excluding abridging time for service of a summons
Rule 1.13	Fixing time	
Part 2	Case management generally	Except a direction or order the subject of a restriction elsewhere in this direction.
Rule 4.10(4)	Rejection of documents	
Rule 4.13	Place for filing	
Part 5	Preliminary discovery	
Rule 6.1	Leave to take step without filing appearance	
Rule 6.5	Continuation of proceedings wrongly commenced by Statement of Claim	
Rule 6.6	Continuation of proceedings wrongly commenced by Summons	
Rule 6.16	Postpone return day in summons	
Rule 6.18	Leave to join causes of action	

Rule 6.19	Leave to join parties in proceedings involving common questions	
Rule 6.20	Leave to join parties having joint entitlement	
Rule 6.21	Stay proceedings until jointly liable persons added as defendants	
Rule 6.22	Order separate trials or other order to avoid inconvenient joinder	
Rule 6.24	Order addition of parties	
Rule 6.27 and 6.28	Join third party and determine date of commencement of proceedings relating to them	
Rule 6.29	Order removal of party	
Rules 6.30 and 6.31	Effect of change of party in proceedings	
Rule 6.32	Future conduct of proceedings	
Rule 7.3	Leave to an unrepresented litigant to issue subpoena	
Rule 7.15(5)	Leave to replace tutor in proceedings	
Rule 7.18	Appointment and removal of tutor	
Rule 7.21	Striking out appearance of person sued in a business name	
Rule 7.22	Leave to proceed before amendment made	
Rule 7.29	Withdrawal of solicitor	
Rule 9.8(a)	Leave to separately determine cross-claims	
Rule 9.9	Leave for proceedings to continue together	
Rule 10.1	Service of filed documents	
Rule 10.2	Service of affidavits	Restricted to those matters which a registrar may deal with
Rule 10.7	Orders as to the giving of notice by the Court	
Rule 10.14	Substituted and informal service	
Rule 10.15	Possession of land; service by affixing copy of originating process	
Rule 10.16	Service on person in default by filing	
Rule 11.4	Leave to proceed when originating process served outside Australia	
Rule 11.5	Leave to serve documents outside Australia and confirmation thereof	
Rule 12.1 and 12.3	Leave to discontinue	

Rule 12.4	Stay of further proceedings to secure costs of discontinuance of proceedings	
Rule 12.5	Leave to withdraw an appearance	
Rule 12.7(1)	Dismiss proceedings for want of due despatch by plaintiff	Provided at least one month's notice of the proposal to make such an order has been given to the plaintiff
Rule 12.8	Other grounds for dismissal	
Rule 12.10	Stay to secure costs after dismissal	
Rule 13.6	Dismiss for non appearance of plaintiff	
Rule 14.2	Dispense with further pleadings	
Rule 14.3	Time for filing defence	
Rule 14.5	Further pleadings	
Rules 14.22 – 14.24	Verification of pleadings	
Part 15	Particulars	Except for an order to dismissal the proceedings under UCPR 15.16
Part 16	Default judgment	
Part 18	Motions	Restricted to those matters which a registrar may deal with
Part 19	Amendment	
Rules 20.2 and 20.3	Directions about mediation	
Rules 20.9 – 20.12	Arbitration	
Rule 20.34	Acknowledgement of a liquidated claim	
Part 21	Discovery/Inspection/Production	
Part 22	Interrogatories	
Rule 23.4	Order for medical examination	
Rule 23.7	Order for rehabilitation test	
Rule 23.8	Inspection of property	
Rule 23.9	Default in compliance under Part 23	Except for an order that judgment be given, a defence be struck out or that the proceedings, or any part of the relief claimed in the proceedings be dismissed.
Rules 24.3, 6, 9, and 14	Taking evidence otherwise than at trial	Except where the order is made under section 7 or section 10 of the Foreign Evidence Act.
Rules 26.3, 4, 5, and 8	Receivers	
Rule 28.5	Consolidation, etc	
Rule 31.4	Service of witness statements	
Rule 31.5	Notice under s 67 or s 99 of the Evidence Act	
Rule 31. 19	Directions before calling expert witnesses	
Rule 31.20 (2) (a)	Service of experts' reports	
Rule 31. 32 (3)	Abridge time for service of subpoena on medical witness	
Part 33	Subpoenas	
Part 34	Notice to produce at hearing	

Rule 35.1	Using irregular affidavit	
Rule 35.2	Cross examination of Deponent	Restricted to those matters which a registrar may deal with
Rule 35.9	Filing of affidavit	
Rule 36.1A	Consent Orders	Restricted to those matters which a registrar may deal with
Rule 36.11	Entry of judgment or orders	Unless the Court directs entry to be effected in a specified manner.
Rule 36.14	Service of Judgment or Order	Restricted to those matters which a registrar may deal with
Rule 36.16	Setting aside default judgment	
Rule 36.17	“Slip rule”	
Rule 36.18	Variation of judgment or order against party operating under unregistered business name	
Rule 37.4	Instalment Orders	
Rule 37.6	Variation of Instalment Orders	
Rules 38.1 – 38.5	Examination of judgment debtor	
Rule 38.7	Application of Part to persons that are corporations	
Part 39	Enforcement of judgments	
Rule 41.8(2)	Payment of interest accruing on money paid into Court	
Rule 41.9	Non-attendance of parties following notice by Court	
Part 42	Order for costs	Restricted to proceedings in which the registrar has a function under an Act or the Rules, or in which the function has been delegated by this direction, or in which a matter has been referred to the registrar by a Judge or Associate Judge.
Rule 42.19	Costs of Discontinued Proceedings	
Rule 42.21	Security for costs	
Rule 42.28	Costs on Instalment Orders	
Rule 45.2	Entry and Removal from specialist list	Except for Commercial List and Technology and Construction List matters
Part 46	Accounts and Enquiries	Except UCPR 46.12(4)(b)
Rule 49.22	Stay registrar’s decision	Limited to staying the decision under review

Part 2 Supreme Court Rules

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Column 1	Column 2	Column 3
Part and/or rule	Description	Restriction
Part 51B—		
Rule 5 (8)	Direction concerning filing of affidavit	
Rule 9	Direction concerning filing of affidavit	
Part 58	Taking evidence for foreign and Australian courts and tribunals	
Part 59A	Enforcement of external judgments	
Part 68—		
Rule 2 (2) (c) (ii)	Administration of estates: determination of question	
Part 71A—		
Rule 6 (2)	Notifying the Sheriff of change in interest rate	
Rule 7	Assessment of costs and expenses	
Part 80 -		
Rule 18 (4)	Time for advertising winding up application	
Rule 21 (1)	Order substituting plaintiff	
Rule 62	Examination of person concerned with corporation	
Part 80A—		
Rule 36	Examination of persons concerned with corporations	

Part 3 General

1 Orders under the following legislation as provided –

Commercial Arbitration Act 1984

section 33 (enforcement of an award)

Contractors Debts Act 1997

section 7 (1) (certification of a debt)

Conveyancing Act 1919

section 66G (appointment of trustees to property, where there is no defendant)

Co-operatives Act 1992

clause 10 of Schedule 4 (remuneration of a receiver, etc)

Corporations Act 2001 (Commonwealth)

section 425 (remuneration of a receiver, etc)

section 429 (3) (extending the period for a report)

section 440D (1) (leave to proceed against a company under administration) provided the claim against the company is, or includes, a claim for damages for personal injury

section 449E (1) (remuneration of an administrator)

section 459A (winding up a company in insolvency)

section 459R (extending the period for determination of a winding up application)

section 461(1)(k) (winding up a company on just and equitable grounds) where there has been an order by the Court hearing the application that ASIC reinstate the company under s.601AH(2)

section 465B (substitution of applicants for winding up)

section 471B (leave to proceed against a company in liquidation) provided the claim against the company is, or includes, a claim for damages for personal injury

section 473 (1) (removal of liquidator appointed by the Court) where the application is not opposed,

section 473 (2) (remuneration of a provisional liquidator)

section 473 (3) (remuneration of a liquidator)

section 473 (7) (liquidators vacancy) where the application is not opposed

sections 480 and 481 (1) (release and deregistration)

section 484 (2) (b) (remuneration of a special manager)

section 486 (inspection of books of a company in a winding up by the court)

section 500 (2) (granting of leave to proceed against a company after the passing of a resolution for voluntary winding up)

section 511 (voluntary winding up) on an application to exercise the power of the court under s 486

section 542 (3) (destruction of books)

sections 596A, 596B and 596F (examination of persons about corporations)

section 597 (examination of persons concerned with corporations) except subsection (15)

section 601AH (2) (reinstatement) where the summons by which the application is made has been served on ASIC and not opposed by ASIC

section 1335 (ordering security for costs that may be payable by a plaintiff corporation)

Any matter which arises in a winding up by the court and is referred to a registrar by a Judge or the Court of Appeal

Evidence Act 1995

section 50 (proof of voluminous or complex documents)

section 168 (2), (4) or (7) (time limits for making certain requests)

section 169 (1) (a), (b) or (d) (failure or refusal to comply with requests)

Making a finding as to:

(a) whether a reasonable request has been made under section 167 of the Evidence Act within the time prescribed by section 168 (1), (3), (5) or (6) of that Act, and

(b) whether a party has, without reasonable cause, failed or refused to comply with such a request

Evidence and Procedure (New Zealand) Act 1994 (Commonwealth)

section 16 (issuing of a certificate)

Evidence on Commission Act 1995.

sections 6 (ordering evidence to be taken abroad)

section 7 (directions on procedure about overseas evidence)

section 20 (ordering evidence to be taken outside NSW)

section 21 (directions on procedure about interstate evidence)

Foreign Judgments Act 1991 (Commonwealth)

section 6 (ordering that a foreign judgment be registered) where a request has been added under Part 59A rule 2 (3) SCR

section 15 (1) (issue of a certificate with respect to an action)

Motor Vehicles (Third Party Insurance) Act 1942.

section 14E (1) and (2) (joint hearing and transfer of proceedings into court on application by the GIO by consent or expressly unopposed)

Property (Relationships) Act 1984

Trial of proceedings concerning de facto relationships where referred by the Court.

Service and Execution of Process Act 1992 (Commonwealth)

section 29 (granting leave to serve a subpoena or summons outside NSW)

section 30 (1) (shortening time for service of a subpoena)

section 35 (3) (receipt of expenses of complying with a subpoena)

section 45 (3) (receipt of expenses of complying with an order to produce)

section 87 (4) (receipt of expenses of complying with a warrant)

Supreme Court Act 1970

section 72 (production for examination of a person confined)

Supreme Court (Corporations) Rules 1999

rule 11.3 (7) (access to an affidavit filed to support an application for an examination summons)

rule 11.4 (service of an examination summons)

rule 11.8 (1) (access to transcript of an examination, etc.)

Uncollected Goods Act 1995

Section 18 (exercising the jurisdiction of the Court, including granting leave under subsection (1))

- 2 Any judgment by consent and any order by consent or of course.
- 3 Accepting an undertaking given to the Court for the payment of a sum of money within a time specified in the undertaking.
- 4 The vouching or passing of the account of a receiver, manager, guardian, trustee, mortgagee or other fiduciary or the taking of any account, the making of any inquiry or the doing of any other thing to which Part 49 applies and which is directed by any judgment or order. (This paragraph does not apply in relation to accounts referred to in section 85 of the Wills, Probate and Administration Act 1898, or in Part 76 rule 32 which relates to Protective Business.)
- 5 Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.
- 6 Order for costs provided:
 - (a) the proceedings are not brought under:
 - (i) section 384 or section 385 of the *Legal Profession Act 2004* (which relate to appeals, and applications for leave to appeal, against a decision or determination of a costs assessor), or
 - (ii) section 386 of the *Legal Profession Act 2004* (which relates to a suspension and an end of a suspension of a decision or determination of a costs assessor), and
 - (b) it is unlikely in the opinion of the registrar that the costs will exceed \$20,000.
- 7 Any matter which a Judge or an Associate Judge may conduct or deal with and is referred to a registrar by order of a Judge or Associate Judge.
- 8 Accepting an undertaking, or the continuation of an undertaking, given to the Court.

- 9** A registrar may exercise the functions of the Court for the purposes of, and in respect of all matters incidental to, the exercise of the registrar's powers under any Act, under any other provision of the rules, or under this direction.
- 10** A registrar may exercise the powers and perform the duties of the Court under the *Mutual Recognition Act* or under the *Trans-Tasman Mutual Recognition Act*.
- 11** Issuing subpoena.

Note: Powers of the Registrar in Probate continue as specified in Supreme Court Rules Pt78 r5